



House of Representatives

General Assembly

File No. 506

January Session, 2003

Substitute House Bill No. 6592

House of Representatives, April 23, 2003

The Committee on Government Administration and Elections reported through REP. O'ROURKE of the 32nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING IMPLEMENTATION AND ADMINISTRATION OF THE "HELP AMERICA VOTE ACT".

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2004*) As used in sections 2, 4, 8
2 and 9 of this act, "election for federal office" means an election for
3 electors of president and vice-president, an election or primary for
4 United States Senator and an election or primary for Representative in
5 Congress.

6 Sec. 2. (NEW) (*Effective January 1, 2004*) The moderator of the
7 election in each voting district shall appear at the office of the town
8 clerk not later than eight o'clock p.m. of the day before an election for
9 federal office. At such time, the town clerk shall provide a provisional
10 ballot packet to such moderator or moderators. Each packet shall
11 include: (1) The appropriate number of provisional ballots for federal
12 office provided by the Secretary of the State, which shall be equal to

13 not less than one per cent of the number of electors who are eligible to
14 vote in the voting district served by the moderator, or such other
15 number as the municipal clerk and the registrars agree is sufficient to
16 protect electors' voting rights, (2) the appropriate number of serially-
17 numbered envelopes prescribed by the Secretary, (3) a provisional
18 ballot inventory form, (4) a provisional ballot depository envelope, and
19 (5) other necessary forms prescribed by the Secretary.

20 Sec. 3. (NEW) (*Effective January 1, 2004*) The Secretary of the State
21 shall prescribe and provide to town clerks the provisional ballot which
22 shall be a ballot of candidates for federal office. The Secretary may
23 prescribe that the provisional ballot be the overseas ballot prepared
24 under section 9-158i of the general statutes.

25 Sec. 4. (NEW) (*Effective January 1, 2004*) (a) An individual may apply
26 for and be issued a provisional ballot if (1) (A) election day voter
27 registration has not been enacted into law, or (B) election day voter
28 registration has been enacted into law, the individual has applied for
29 admission as an elector on election day pursuant to such law and such
30 application has been rejected, (2) the individual appears at the polling
31 place and declares that such individual is an elector in the town in
32 which the individual desires to vote and that the individual is eligible
33 to vote in the primary or election for federal office in the polling place,
34 but the name of the individual does not appear on the official registry
35 list for such polling place, and (3) the registrars determine that such
36 name cannot be restored under section 9-42 of the general statutes, as
37 amended by this act, or transferred from another polling place under
38 section 9-35 of the general statutes, as amended by this act.

39 (b) If the moderator decides that an elector, whose name appears on
40 the registry list and who has been challenged pursuant to sections 9-
41 232 to 9-232f, inclusive, of the general statutes is not eligible to vote in
42 the primary or election for federal office, such elector may apply for
43 and cast a provisional ballot upon the execution of a written
44 affirmation by the elector at the polling place affirming that the elector
45 is qualified to vote in the election or primary for federal office in the

46 polling place and has neither offered himself to vote nor voted in
47 person or by absentee ballot at said election or primary for federal
48 office at the polling place.

49 (c) Such application for provisional ballot shall be prescribed by the
50 Secretary of the State, executed before an election official and include a
51 written affirmation, under penalty of false statement in absentee
52 balloting pursuant to section 9-359a of the general statutes, which shall
53 be in the form substantially as follows:

54 AFFIRMATION: I, the undersigned, do hereby state, under
55 penalties of false statement, that:

56 1. I am an elector in the town indicated.

57 2. I am eligible to vote in the election or primary indicated for federal
58 office today in the town and polling place indicated.

59 3.a. My name does not appear on the official list of eligible voters for
60 the polling place indicated, and the polling place officials called the
61 registrars of voters and were told that my name did not appear on the
62 active registry list for this town for at least one of the four years
63 previous or on one of the preliminary active registry lists for this year;
64 or

65 b. The moderator decided that I am not eligible to vote for federal
66 office in the town indicated for the reason of disfranchisement, lack of
67 identity, lack of bona fide residence or failure to present the prescribed
68 identification required for new electors after January 1, 2003, indicated.

69 4. My residence address is located in the voting district that this
70 polling place serves.

71 5. I have not voted and I will not vote otherwise than by this ballot
72 in person or by absentee ballot at this election or primary for federal
73 office.

74 6. I apply for a provisional ballot for federal office.

75 Sec. 5. (NEW) (*Effective January 1, 2004*) Upon receipt of an
76 application for provisional ballot, the moderator shall provide the
77 applicant with a provisional ballot and a serially-numbered envelope
78 and shall make a record of such issuance on the provisional ballot
79 inventory form. The applicant shall forthwith mark the ballot in the
80 presence of a polling place official in such manner that the official shall
81 not know how the ballot is marked. The applicant shall then fold the
82 ballot in the presence of the polling place official so as to conceal the
83 markings and deposit and seal it in the serially-numbered envelope in
84 the manner prescribed by the Secretary of the State. The polling place
85 official shall provide such documentation to the elector so the elector
86 may later verify whether the elector's provisional ballot was counted,
87 and shall deposit the provisional ballot and envelope in the provisional
88 ballot depository envelope. The elector shall then immediately leave
89 the room. The registrars of voters shall provide a free access system
90 restricted to the elector who cast the ballot to verify if the provisional
91 ballot was counted, and if the ballot was not counted, the reason that
92 the ballot was not counted.

93 Sec. 6. (NEW) (*Effective January 1, 2004*) Immediately after the close
94 of the polls, the moderator shall seal the provisional ballot depository
95 envelope and deliver such envelope to the registrars of voters of the
96 town. The registrars of voters shall forthwith verify the information
97 contained with each provisional ballot. If the registrars of voters
98 determine that the applicant is eligible to vote, they shall note their
99 decision on the outer envelope of the ballot and open and count the
100 provisional ballot in accordance with the provisions of sections 1 to 7,
101 inclusive, of this act and procedures prescribed by the Secretary of the
102 State. If the registrars of voters are unable to determine that the
103 applicant is eligible to vote or determine that the applicant is not
104 eligible to vote, the applicant's provisional ballot sealed envelope shall
105 be marked "rejected", along with the reason for such rejection, and
106 signed by the registrars of voters. The registrars of voters shall verify
107 and count all provisional ballots in their town not later than six days
108 after the election or primary. The registrars of voters shall forthwith
109 prepare and sign in duplicate a report showing the number of

110 provisional ballots received from electors, the number rejected and the
111 number counted, and showing the additional votes counted for each
112 candidate for federal office on the provisional ballots. The registrars of
113 voters shall file one report with the town clerk and shall seal one in the
114 depository envelope with the provisional ballots and file such
115 depository envelope with the town clerk. The depository envelope
116 shall be preserved by the town clerk for the period of time required to
117 preserve counted absentee ballots for federal elections. The head
118 moderator shall forthwith file a corrected return for federal offices
119 with the town clerk and the Secretary showing (1) the final votes after
120 any recanvass, pursuant to sections 9-311 to 9-311b, inclusive, of the
121 general statutes, the votes on provisional ballots and the totals, and (2)
122 the number of provisional ballots received from electors, the number
123 rejected and the number counted, as reported by the registrars of
124 voters.

125 Sec. 7. (NEW) (*Effective January 1, 2004*) Except as otherwise
126 provided by the general statutes and sections 1 to 10, inclusive, of this
127 act, the provisions of the general statutes concerning procedures
128 relating to counting absentee ballots shall apply as nearly as may be, in
129 the manner prescribed by the Secretary of the State, to counting the
130 provisional ballots under sections 1 to 7, inclusive, of this act.

131 Sec. 8. (NEW) (*Effective January 1, 2004*) (a) The Secretary of the State
132 shall implement a single, uniform, official, centralized, interactive
133 computerized state-wide voter registration system within the state,
134 which shall be known as the Centralized Voter Registration System.
135 Said system shall be defined, maintained and administered at the state
136 level. The Secretary of the State may implement such enhancements,
137 changes or deletions to such system as the Secretary deems necessary
138 to comply with federal and state law. The Centralized Voter
139 Registration System shall serve as the single system for storing,
140 managing and producing the official registry list of eligible electors as
141 required by title 9 of the general statutes.

142 (b) Any election official in the state, including any local election

143 official, as provided in Section 303(a)(1)(A)(v) of the Help America
144 Vote Act, P.L. 107-252, as amended from time to time, may obtain
145 immediate electronic access to the information contained in the
146 Centralized Voter Registration System.

147 (c) At the time that a registrar of voters obtains any information
148 concerning an elector, the registrar shall electronically enter such
149 information into the Centralized Voter Registration System on an
150 expedited basis.

151 (d) The registrar of voters shall perform list maintenance with
152 respect to the Centralized Voter Registration System on a regular basis.
153 If an individual's name is to be removed from the official registry list,
154 such name shall be removed in accordance with the provisions of the
155 National Voter Registration Act of 1993, as amended from time to time,
156 and the provisions of chapter 143 of the general statutes. For the
157 purpose of removing the names of ineligible electors from the official
158 registry list, the Secretary of the State shall coordinate the
159 computerized Centralized Voter Registration System list with (1) the
160 receipt of a monthly list of all persons who during the preceding
161 calendar month have been convicted of a felony and committed to the
162 custody of the Commissioner of Correction for confinement in a
163 correctional institution or facility or a community residence, and (2)
164 the state agency records on death.

165 (e) Each application for admission as an elector under title 9 of the
166 general statutes shall include (1) a current driver's license number
167 issued by the state of Connecticut, or (2) the last four digits of the
168 applicant's Social Security number. If an applicant for admission as an
169 elector has not been issued a current and valid driver's license from the
170 Department of Motor Vehicles or a Social Security number, the
171 registrar of voters shall process the application using the unique
172 identification number automatically assigned to each applicant by the
173 Centralized Voter Registration System.

174 (f) The Secretary of the State and the Commissioner of Motor
175 Vehicles shall enter into an agreement to match information in the

176 Centralized Voter Registration System with information in the
177 database of the Department of Motor Vehicles to the extent required to
178 enable each such agency to verify the accuracy of the information
179 provided on applications for admission as electors.

180 (g) In addition to the information required in this subsection, the
181 registrars of voters, using the Centralized Voter Registration System,
182 shall keep a record of every registered voter who was checked as
183 having voted in person or by absentee ballot at each election for
184 federal office held within the registrars' town.

185 Sec. 9. (NEW) (*Effective January 1, 2004*) (a) On or after January 1,
186 2003, any person who is applying, by mail, to register to vote for the
187 first time in this state, or for the first time in a town that is not on the
188 Centralized Voter Registration System, may submit as part of such
189 voter registration application: (1) A copy of a current and valid photo
190 identification, (2) a copy of a current utility bill, bank statement,
191 government check, paycheck or government document that shows the
192 name and address of the voter, (3) a valid Connecticut motor vehicle
193 operator's license number, or (4) the last four digits of the individual's
194 Social Security number. Members of the armed forces and persons
195 entitled to use the federal post card application for absentee ballots
196 under section 9-153a of the general statutes, as amended by this act, are
197 not required to provide identification when registering by mail.

198 (b) If an individual submits such information pursuant to this
199 section as part of the individual's voter registration application and,
200 with respect to subdivision (3) or (4) of subsection (a) of this section,
201 the registrars of voters are able to match the information submitted
202 with an existing Connecticut identification record bearing the same
203 number, name and date of birth as provided, such individual shall not
204 be required to produce identification when voting in person or by
205 absentee ballot and may sign a statement as described in subparagraph
206 (B) of subdivision (2) of subsection (a) of section 9-261 of the general
207 statutes, as amended by this act, in lieu of presenting identification
208 when voting in person.

209 (c) Any additional documentation submitted as part of the voter
210 registration application pursuant to this section may be destroyed by
211 the registrars of voters after verification pursuant to the Help America
212 Vote Act, P.L. 107-252, as amended from time to time.

213 (d) If an individual described in subsection (a) of this section does
214 not submit the identification described in subsection (a) of this section
215 as part of the individual's application for admission as an elector,
216 when the individual has entered the polling place in an election for
217 federal office, the individual shall present: (1) A current and valid
218 photo identification, or (2) a copy of a current utility bill, bank
219 statement, government check, paycheck or other government
220 document that shows the name and address of the voter. If an
221 individual does not meet the requirements of this subsection in an
222 election for federal office, such individual may cast a provisional ballot
223 prescribed under sections 1 to 7, inclusive, of this act.

224 (e) If an individual described in subsection (a) of this section does
225 not submit the identification described in subsection (a) of this section
226 as part of the individual's application for admission as an elector, and
227 if the individual votes by absentee ballot in an election for federal
228 office, the individual shall enclose in the outer absentee ballot
229 envelope, and not in the inner envelope with the ballot: (1) A copy of a
230 current and valid photo identification, or (2) a copy of a current utility
231 bill, bank statement, government check, paycheck, or other
232 government document that shows the name and address of the voter.
233 If an individual does not meet the requirements of this subsection in an
234 election for federal office, such individual's absentee ballot shall be
235 treated as a provisional ballot for federal office only, pursuant to
236 sections 1 to 7, inclusive, of this act.

237 Sec. 10. (NEW) (*Effective January 1, 2004*) There is established, within
238 the General Fund, a separate, nonlapsing account to be known as the
239 Help America Vote Act account. The account may contain (1) any
240 amounts appropriated or otherwise made available by the state to
241 carry out the activities for which the requirements payment is made to

242 the state pursuant to the Help America Vote Act, P.L. 107-252, as
243 amended from time to time; (2) the requirements payment made to the
244 state pursuant to said Help America Vote Act; (3) such other amounts
245 appropriated to the state pursuant to said Help America Vote Act; and
246 (4) any other moneys required by law to be deposited in the account.
247 Investment earnings credited to the assets of the account shall become
248 part of the assets of the account. The moneys in said account shall be
249 used by the state exclusively to carry out the activities and provisions
250 required by said Help America Vote Act.

251 Sec. 11. Section 9-7b of the general statutes is repealed and the
252 following is substituted in lieu thereof (*Effective from passage*):

253 (a) The State Elections Enforcement Commission shall have the
254 following duties and powers:

255 (1) To make investigations on its own initiative or with respect to
256 statements filed with the commission by the Secretary of the State or
257 any town clerk, or upon written complaint under oath by any
258 individual, with respect to alleged violations of any provision of the
259 general statutes relating to any election or referendum, any primary
260 held pursuant to section 9-423, 9-424, 9-425 or 9-464 or any primary
261 held pursuant to a special act, and to hold hearings when the
262 commission deems necessary to investigate violations of any
263 provisions of the general statutes relating to any such election, primary
264 or referendum, and for the purpose of such hearings the commission
265 may administer oaths, examine witnesses and receive oral and
266 documentary evidence, and shall have the power to subpoena
267 witnesses under procedural rules the commission shall adopt, to
268 compel their attendance and to require the production for examination
269 of any books and papers which the commission deems relevant to any
270 matter under investigation or in question. In connection with its
271 investigation of any alleged violation of any provision of chapter 145,
272 or of any provision of section 9-359 or section 9-359a, the commission
273 shall also have the power to subpoena any municipal clerk and to
274 require the production for examination of any absentee ballot, inner

275 and outer envelope from which any such ballot has been removed,
276 depository envelope containing any such ballot or inner or outer
277 envelope as provided in sections 9-150a, as amended by this act, and 9-
278 150b and any other record, form or document as provided in section 9-
279 150b, in connection with the election, primary or referendum to which
280 the investigation relates. In case of a refusal to comply with any
281 subpoena issued pursuant to this subsection or to testify with respect
282 to any matter upon which that person may be lawfully interrogated,
283 the superior court for the judicial district of Hartford, on application of
284 the commission, may issue an order requiring such person to comply
285 with such subpoena and to testify; failure to obey any such order of the
286 court may be punished by the court as a contempt thereof. In any
287 matter under investigation which concerns the operation or inspection
288 of or outcome recorded on any voting machine, the commission may
289 issue an order to the municipal clerk to impound such machine until
290 the investigation is completed;

291 (2) To levy a civil penalty not to exceed (A) two thousand dollars
292 per offense against any person the commission finds to be in violation
293 of any provision of chapter 145, part V of chapter 146, part I of chapter
294 147, chapter 148, section 9-12, subsection (a) of section 9-17, section 9-
295 19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, as amended by
296 this act, 9-23h, as amended by this act, 9-23j to 9-23o, inclusive, 9-26, 9-
297 31a, 9-32, 9-35, as amended by this act, 9-35b, 9-35c, 9-40a, 9-42, as
298 amended by this act, 9-43, 9-50a, 9-56, 9-59, 9-168d, 9-170, 9-171, 9-172,
299 9-409, 9-410, 9-412, 9-436, 9-436a, 9-453e to 9-453h, inclusive, 9-453k or
300 9-453o, or sections 1 to 10, inclusive, of this act, or (B) two thousand
301 dollars per offense or twice the amount of any improper payment or
302 contribution, whichever is greater, against any person the commission
303 finds to be in violation of any provision of chapter 150. The
304 commission may levy a civil penalty against any person under
305 subparagraph (A) or (B) of this subdivision only after giving the
306 person an opportunity to be heard at a hearing conducted in
307 accordance with sections 4-176e to 4-184, inclusive. In the case of
308 failure to pay any such penalty levied pursuant to this subsection
309 within thirty days of written notice sent by certified or registered mail

310 to such person, the superior court for the judicial district of Hartford,
311 on application of the commission, may issue an order requiring such
312 person to pay the penalty imposed and such court costs, state
313 marshal's fees and attorney's fees incurred by the commission as the
314 court may determine. Any civil penalties paid, collected or recovered
315 under subparagraph (B) of this subdivision for a violation of any
316 provision of chapter 150 applying to the office of the Treasurer shall be
317 deposited on a pro rata basis in any trust funds, as defined in section 3-
318 13c, affected by such violation;

319 (3) (A) To issue an order requiring any person the commission finds
320 to have received any contribution or payment which is prohibited by
321 any of the provisions of chapter 150, after an opportunity to be heard
322 at a hearing conducted in accordance with the provisions of sections 4-
323 176e to 4-184, inclusive, to return such contribution or payment to the
324 donor or payor, or to remit such contribution or payment to the state
325 for deposit in the General Fund, whichever is deemed necessary to
326 effectuate the purposes of chapter 150;

327 (B) To issue an order when the commission finds that an intentional
328 violation of any provision of chapter 150 has been committed, after an
329 opportunity to be heard at a hearing conducted in accordance with
330 sections 4-176e to 4-184, inclusive, which order may contain one or
331 more of the following sanctions: (i) Removal of a campaign treasurer,
332 deputy campaign treasurer or solicitor; or (ii) prohibition on serving as
333 a campaign treasurer, deputy campaign treasurer or solicitor, for a
334 period not to exceed four years;

335 (C) To issue an order revoking any person's eligibility to be
336 appointed or serve as an election, primary or referendum official or
337 unofficial checker or in any capacity at the polls on the day of an
338 election, primary or referendum, when the commission finds such
339 person has intentionally violated any provision of the general statutes
340 relating to the conduct of an election, primary or referendum, after an
341 opportunity to be heard at a hearing conducted in accordance with
342 sections 4-176e to 4-184, inclusive;

343 (D) To issue an order to enforce the provisions of the Help America
344 Vote Act, P.L. 107-252, as amended from time to time, as the
345 commission deems appropriate;

346 (4) To inspect or audit at any reasonable time and upon reasonable
347 notice the accounts or records of any campaign treasurer or principal
348 campaign treasurer, as required by chapter 150 and to audit any such
349 election, primary or referendum held within the state; provided, it
350 shall not audit any caucus, as defined in subdivision (1) of section 9-
351 372;

352 (5) To attempt to secure voluntary compliance, by informal methods
353 of conference, conciliation and persuasion, with any provision of
354 chapters 149 to 153, inclusive, or any other provision of the general
355 statutes relating to any such election, primary or referendum;

356 (6) To consult with the Secretary of the State, the Chief State's
357 Attorney or the Attorney General on any matter which the commission
358 deems appropriate;

359 (7) To refer to the Chief State's Attorney evidence bearing upon
360 violation of any provision of chapters 149 to 153, inclusive, or any
361 other provision of the general statutes pertaining to or relating to any
362 such election, primary or referendum;

363 (8) To refer to the Attorney General evidence for injunctive relief
364 and any other ancillary equitable relief in the circumstances of
365 subdivision (7) of this [section] subsection. Nothing in this subdivision
366 shall preclude a person who claims that he is aggrieved by a violation
367 of any provision of chapter 152 or any other provision of the general
368 statutes relating to referenda from pursuing injunctive and any other
369 ancillary equitable relief directly from the Superior Court by the filing
370 of a complaint;

371 (9) To refer to the Attorney General evidence pertaining to any
372 ruling which the commission finds to be in error made by election
373 officials in connection with any election, primary or referendum. Those

374 remedies and procedures available to parties claiming to be aggrieved
375 under the provisions of sections 9-323, 9-324, 9-328 and 9-329a shall
376 apply to any complaint brought by the Attorney General as a result of
377 the provisions of this subdivision;

378 (10) To consult with the United States Department of Justice and the
379 United States Attorney for Connecticut on any investigation pertaining
380 to a violation of this section, section 9-12, subsection (a) of section 9-17
381 or section 9-19b, 9-19e, 9-19g, 9-19h, 9-19i, 9-20, 9-21, 9-23a, 9-23g, as
382 amended by this act, 9-23h, as amended by this act, 9-23j to 9-23o,
383 inclusive, 9-26, 9-31a, 9-32, 9-35, as amended by this act, 9-35b, 9-35c, 9-
384 40a, 9-42, as amended by this act, 9-43, 9-50a, 9-56 or 9-59 and to refer
385 to said department and attorney evidence bearing upon any such
386 violation for prosecution under the provisions of the National Voter
387 Registration Act of 1993, P.L. 103-31, as amended from time to time;

388 (11) To inspect reports filed with the Secretary of the State and with
389 town clerks pursuant to chapter 150 and refer to the Chief State's
390 Attorney evidence bearing upon any violation of law therein if such
391 violation was committed knowingly and wilfully;

392 (12) To intervene in any action brought pursuant to the provisions
393 of sections 9-323, as amended by this act, 9-324, 9-328 and 9-329a upon
394 application to the court in which such action is brought when in the
395 opinion of the court it is necessary to preserve evidence of possible
396 criminal violation of the election laws;

397 (13) To adopt and publish regulations pursuant to chapter 54 to
398 carry out the provisions of section 9-7a, this section and chapter 150; to
399 issue upon request and publish advisory opinions in the Connecticut
400 Law Journal upon the requirements of chapter 150, and to make
401 recommendations to the General Assembly concerning suggested
402 revisions of the election laws;

403 (14) To the extent that the Elections Enforcement Commission is
404 involved in the investigation of alleged or suspected criminal
405 violations of any provision of the general statutes pertaining to or

406 relating to any such election, primary or referendum and is engaged in
407 such investigation for the purpose of presenting evidence to the Chief
408 State's Attorney, the Elections Enforcement Commission shall be
409 deemed a law enforcement agency for purposes of subdivision (3) of
410 subsection (b) of section 1-210, provided nothing in this section shall be
411 construed to exempt the Elections Enforcement Commission in any
412 other respect from the requirements of the Freedom of Information
413 Act, as defined in section 1-200;

414 (15) To enter into such contractual agreements as may be necessary
415 for the discharge of its duties, within the limits of its appropriated
416 funds and in accordance with established procedures; [and]

417 (16) To provide the Secretary of the State with notice and copies of
418 all decisions rendered by the commission in contested cases, advisory
419 opinions and declaratory judgments, at the time such decisions,
420 judgments and opinions are made or issued; and

421 (17) To receive and determine complaints filed under the Help
422 America Vote Act, P.L. 107-252, as amended from time to time, by any
423 person who believes there is a violation of any provision of Title III of
424 P.L. 107-252, as amended. Any complaint filed under this subdivision
425 shall be in writing, notarized and signed and sworn by the person
426 filing the complaint. At the request of the complainant, there shall be a
427 hearing on the record, conducted in accordance with sections 4-167e to
428 4-184, inclusive. The commission shall make a final determination with
429 respect to a complaint prior to the expiration of the ninety-day period
430 beginning on the date the complaint is filed, unless the complainant
431 consents to a longer period for making such determination. If the
432 commission fails to meet the applicable deadline under this
433 subdivision with respect to a complaint, the commission shall resolve
434 the complaint within sixty days after the expiration of such ninety-day
435 period under an alternative dispute resolution procedure established
436 by the commission.

437 (b) In the case of a refusal to comply with an order of the
438 commission issued pursuant to subdivision (3) of subsection (a) of this

439 section, the superior court for the judicial district of Hartford, on
440 application of the commission, may issue a further order to comply.
441 Failure to obey such further order may be punished by the court as a
442 contempt thereof.

443 Sec. 12. Subsection (e) of section 9-23g of the general statutes is
444 repealed and the following is substituted in lieu thereof (*Effective*
445 *January 1, 2004*):

446 (e) A registration application filed under this section shall be
447 rejected if the application (1) has not been signed or dated by the
448 applicant or the authorized agent of the applicant pursuant to
449 subsection (b) of this section, (2) does not indicate the applicant's date
450 of birth or bona fide residence, (3) does not indicate United States
451 citizenship, provided the registrars of voters have contacted such
452 applicant to provide an opportunity to answer such question, or (4) is
453 determined by the Secretary of the State to be substantially defective.
454 No registration application filed under this section shall be rejected if
455 the application fails to provide the applicant's Social Security number
456 or the zip code of the applicant's bona fide residence.

457 Sec. 13. Section 9-23h of the general statutes is repealed and the
458 following is substituted in lieu thereof (*Effective January 1, 2004*):

459 The application provided for in section 9-23g, as amended by this
460 act, shall provide spaces for the following information for each
461 applicant: (1) Name, (2) bona fide residence, including street number,
462 street address, apartment number if applicable, town and zip code, (3)
463 telephone number, (4) date of birth, (5) whether the applicant is
464 registered as an elector in any other town in the state of Connecticut or
465 in any other state, and if so, the applicant's last previous voting
466 residence, (6) whether the applicant is a United States citizen, (7)
467 whether the applicant will be eighteen years of age on or before
468 election day, (8) party affiliation, if any, [and (8)] (9) the applicant's
469 signature and date of signature, and (10) the applicant's Connecticut
470 motor vehicle operator's license number or, if none, the last four digits
471 of the applicant's Social Security number. The spaces for the

472 applicant's telephone number and party affiliation shall indicate that
473 such information does not have to be provided. The spaces regarding
474 United States citizenship and whether the applicant will be eighteen
475 years of age on or before election day shall indicate that if the applicant
476 answers "No" to either question, the applicant may not complete the
477 voter registration form. No Social Security number on any such form
478 filed prior to January 1, 2000, may be disclosed to the public or to any
479 governmental agency. The application shall contain a notice that if the
480 applicant does not receive a notice of acceptance or rejection of the
481 application from the office of the registrars of voters for the
482 municipality in which the applicant resides, the applicant should
483 contact said office. The application shall also contain any other
484 information, questions or instructions prescribed by the Secretary of
485 the State.

486 Sec. 14. Subsections (d) and (e) of section 9-35 of the general statutes
487 are repealed and the following is substituted in lieu thereof (*Effective*
488 *January 1, 2004*):

489 (d) The registrars shall enter the names on such list by street and
490 number of the house, when the houses are numbered, so that there
491 shall be entered on the list first, the street, avenue or road; second, the
492 number of the house or residence in numerical order or, if the
493 registrars of any town find it more convenient, by odd and even
494 numbers in numerical order; and third, the names of the electors in
495 such house in alphabetical order. The names of any electors who
496 cannot be so listed shall be listed alphabetically in the voting district
497 wherein any such elector is a bona fide resident. The registrars of
498 voters may consecutively number the names on the registry list, [or]
499 may include voter identification numbers for the names on the registry
500 list, and may include a mark, as prescribed by the Secretary of the
501 State, next to the name of each first-time registrant on the system who
502 registers to vote on or after January 1, 2003, and does not provide
503 identification with his or her mail-in voter registration application as
504 provided in the Help America Vote Act, P.L. 107-252, as amended from
505 time to time, provided such list shall comply in all respects with the

506 requirements of law other than for the addition of such numbers and
507 marks. The registrars shall not use Social Security numbers for any
508 such voter identification numbers.

509 (e) In any case in which the registrars have obtained reliable
510 information of an elector's change of address within the municipality,
511 they shall enter the name of such elector on the registry list at the place
512 where the elector then resides, provided, if such reliable information is
513 the National Change of Address System of the United States Postal
514 Service, the registrar shall change the registry list and send the elector
515 a notice of the change by forwardable mail and a postage prepaid
516 preaddressed return form by which the elector may verify or correct
517 the address information. If during the canvass the registrars determine
518 that an elector has moved out of town and such elector has not
519 confirmed in writing that the elector has moved out of the town, the
520 registrars shall, not later than May first, send to the elector, by
521 forwardable mail, a notice required by the National Voter Registration
522 Act of 1993, P.L. 103-31, as amended from time to time, together with a
523 postage prepaid preaddressed return card on which the elector may
524 state the elector's current address. In the year of a presidential
525 preference primary, the registrars shall send such notice not earlier
526 than the date of such primary. If the registrar does not receive the
527 return card within thirty days after it is sent, the elector's name,
528 including the name of an elector who has not voted in two consecutive
529 federal elections, shall be placed on the inactive registry list for four
530 years. At the expiration of such period of time on the inactive registry
531 list, such name shall be removed from the registry list. If such elector
532 applies to restore the elector's name to the active registry list or votes
533 during such period, the elector's name shall be restored to the active
534 registry list. Such registrars shall retain a duplicate copy or record of
535 each such notice in their office or, if they do not have a permanent
536 office, in the office space provided under section 9-5a, and shall note
537 on such duplicate copy or record the date on which such notice was
538 mailed. In each municipality, any elector, upon change of residence
539 within the municipality, may cause the elector's registration to be
540 transferred to the elector's new address by presenting to the registrars

541 a signed request therefor, stating the elector's present address, the date
542 the elector moved to such address and the address at which the elector
543 was last registered. The registrars shall thereupon enter the elector's
544 name on the list at the elector's new residence; provided no transfer of
545 registration shall be made on the registry list on election day without
546 the consent of both registrars.

547 Sec. 15. Subsection (c) of section 9-42 of the general statutes is
548 repealed and the following is substituted in lieu thereof (*Effective*
549 *January 1, 2004*):

550 (c) The registrars of voters shall cause the inactive registry list
551 compiled under section 9-35, as amended by this act, to be completed
552 and printed and deposited in the town clerk's office and shall provide
553 a sufficient number of copies for use in the polling place on election
554 day. If on election day the name of an elector appears on such inactive
555 registry list, including the name of an elector who has not responded
556 to a confirmation of voting residence notice under subsection (e) of
557 section 9-35, as amended by this act, and has not voted in two
558 consecutive federal elections, such name shall be added to the active
559 registry list upon written affirmation signed by the elector, under
560 penalties of false statement, before an election official at the polling
561 place, that such elector is still a bona fide resident of such town, and
562 upon the consent of both registrars or assistant registrars, as the case
563 may be, in the polls.

564 Sec. 16. Section 9-140a of the general statutes is repealed and the
565 following is substituted in lieu thereof (*Effective January 1, 2004*):

566 Each absentee ballot applicant shall sign the form on the inner
567 envelope provided for in section 9-137, which shall constitute a
568 statement under the penalties of false statement in absentee balloting.
569 Any absentee ballot applicant who is unable to write may cause his
570 name to be signed on the form by an authorized agent who shall, in the
571 space provided for the signature, write the name of the applicant
572 followed by the word "by" and his own signature. The failure of the
573 applicant or authorized agent to date the form shall not invalidate the

574 ballot. The ballot shall be inserted in the inner envelope, and the inner
575 envelope shall be inserted in the outer envelope, prior to the return of
576 the ballot to the municipal clerk. If an applicant is required to return
577 identification with the ballot pursuant to the Help America Vote Act,
578 P.L. 107-252, as amended from time to time, such identification shall be
579 inserted in the outer envelope so such identification can be viewed
580 without opening the inner envelope.

581 Sec. 17. Subsection (a) of section 9-140b of the general statutes is
582 repealed and the following is substituted in lieu thereof (*Effective*
583 *January 1, 2004*):

584 (a) An absentee ballot shall be cast at a primary, election or
585 referendum only if: (1) It is mailed by (A) the ballot applicant, (B) a
586 designee of a person who applies for an absentee ballot because of
587 illness or physical disability, or (C) a member of the immediate family
588 of an applicant who is a student, so that it is received by the clerk of
589 the municipality in which the applicant is qualified to vote not later
590 than the close of the polls; (2) it is returned by the applicant in person
591 to the clerk by the day before a regular election, special election or
592 primary or prior to the opening of the polls on the day of a
593 referendum; (3) it is returned by a designee of an ill or physically
594 disabled ballot applicant, in person, to said clerk not later than the
595 close of the polls on the day of the election, primary or referendum; (4)
596 it is returned by a member of the immediate family of the absentee
597 voter, in person, to said clerk not later than the close of the polls on the
598 day of the election, primary or referendum; [or] (5) in the case of a
599 presidential or overseas ballot, it is mailed or otherwise returned
600 pursuant to the provisions of section 9-158g; or (6) it is returned with
601 the proper identification as required by the Help America Vote Act,
602 P.L. 107-252, as amended from time to time, if applicable, inserted in
603 the outer envelope so such identification can be viewed without
604 opening the inner envelope. A person returning an absentee ballot to
605 the municipal clerk pursuant to subdivision (3) or (4) of this subsection
606 shall present identification and, on the outer envelope of the absentee
607 ballot, sign his name in the presence of the municipal clerk, and

608 indicate his address, his relationship to the voter or his position, and
609 the date and time of such return. As used in this section, "immediate
610 family" means a dependent relative who resides in the individual's
611 household or any spouse, child or parent of the individual.

612 Sec. 18. Subsection (d) of section 9-150a of the general statutes is
613 repealed and the following is substituted in lieu thereof (*Effective*
614 *January 1, 2004*):

615 (d) If the statement on the inner envelope has not been signed as
616 required by section 9-140a, as amended by this act, such inner
617 envelope shall not be opened nor the ballot removed therefrom, and
618 such inner envelope shall be replaced in the opened outer envelope
619 which shall be marked "Rejected" and the reason therefor endorsed
620 thereon by the counters. If such statement is signed but the
621 identification required by the Help America Vote Act, P.L. 107-252, as
622 amended from time to time, is not included with the ballot so that the
623 identity of the elector is protected when such ballot is viewed, the
624 ballot shall be replaced in the opened inner envelope and such inner
625 envelope shall be replaced in the opened outer envelope which shall be
626 marked "Rejected" and the reason therefor endorsed thereon by the
627 counters.

628 Sec. 19. Section 9-153a of the general statutes is repealed and the
629 following is substituted in lieu thereof (*Effective January 1, 2004*):

630 (a) The form of absentee ballot application provided by any federal
631 department or agency, referred to in section 9-140, may be used only
632 by a person in any one of the following categories who is eligible to
633 vote and who expects to be unable to appear at his proper polling
634 place for any reason specified in section 9-135: (1) Members of the
635 armed forces, (2) the spouses and dependents of such members, (3)
636 members of religious groups or welfare agencies assisting members of
637 the armed forces, who are officially attached to and serving with the
638 armed forces, and their spouses and dependents, (4) civilian
639 employees of the United States in all categories serving outside the
640 territorial limits of the several states of the United States and the

641 District of Columbia and their spouses and dependents when residing
642 with or accompanying them, whether or not the employee is subject to
643 the civil service laws and the Federal Classification Act of 1949, and
644 whether or not paid from funds appropriated by the Congress, (5)
645 citizens of the United States temporarily residing outside of the
646 territorial limits of the several states of the United States and the
647 District of Columbia, and (6) overseas citizens qualified to vote under
648 the Uniformed and Overseas Citizens Absentee Voting Act, 100 Stat.
649 924, 42 USC 1973ff et seq., as amended from time to time. Any such
650 person may apply for an absentee ballot in the manner provided in
651 [said] section 9-140, either on the form prescribed by the Secretary of
652 the State under [said] section 9-140, or on the application form
653 provided by any federal department or agency hereinbefore referred
654 to.

655 (b) The office of the Secretary of the State shall be the office
656 responsible for providing information regarding voter registration and
657 absentee ballot procedures to persons qualified to vote under the
658 Uniformed and Overseas Citizens Absentee Voting Act, 100 Stat. 924,
659 42 USC 1973ff et seq., as amended from time to time. The "Federal Post
660 Card Application" shall be accepted by the municipal clerk as a request
661 for absentee ballots for the two regularly scheduled general elections
662 following submission of the application to the municipal clerk. If a
663 municipal clerk rejects a voter registration request or absentee ballot
664 application from a person in a category in subsection (a) of this section,
665 the municipal clerk shall inform such person of the rejection and the
666 reason for the rejection. No municipal clerk may reject a voter
667 registration request or an absentee ballot application from a person in
668 a category in subsection (a) of this section on the grounds that such
669 request or application was an early submission.

670 Sec. 20. Section 9-153e of the general statutes is repealed and the
671 following is substituted in lieu thereof (*Effective January 1, 2004*):

672 Persons in the following categories who, due to military or other
673 contingencies that preclude normal mail delivery, may apply for a

674 blank absentee ballot to vote for all offices being contested at a regular
675 election: (1) A member of the armed forces who is an elector or an
676 applicant for admission as an elector, or the member's spouse or
677 dependent if living where such member is stationed, [may apply
678 before a regular election for a blank absentee ballot to vote for all
679 offices being contested at the election] and (2) an elector or applicant
680 for admission as an elector who is living, or expects to be living or
681 traveling, before and on election day, outside the territorial limits of
682 the several states. The clerk shall make such ballots available for this
683 purpose beginning not earlier than ninety days before the election.
684 Application shall be made upon a form prescribed by the Secretary of
685 the State or on the federal postcard application form provided
686 pursuant to the Uniformed and Overseas Citizens Absentee Voting
687 Act, 100 Stat. 924, 42 USC 1973ff et seq., as amended from time to time,
688 or any other applicable law and shall be issued only if the applicant
689 states that due to military or other contingencies the regular
690 application procedure, as set forth in section 9-140, cannot be followed.
691 Upon receipt of the application, the municipal clerk shall issue the
692 ballot, which shall be prescribed and printed by the Secretary of the
693 State, and a list of the offices to be voted upon indicating the number
694 of individuals for which each elector may vote. As soon as a complete
695 list of nominated candidates, including the party designations of such
696 candidates, and questions is available, the clerk shall send such list to
697 each applicant. If the list of candidates and questions is not available
698 when the ballot is issued, the clerk shall include a statement indicating
699 that such list shall be mailed as soon as it becomes available. The ballot
700 shall permit the elector to vote by writing in the names of specific
701 candidates and offices for which he is voting. The elector may also vote
702 on the questions in a manner prescribed by the Secretary of the State.
703 [If the military contingency no longer exists, application for an
704 additional ballot for all offices may be made pursuant to the provisions
705 of section 9-153b.]

706 Sec. 21. Subsection (a) of section 9-158e of the general statutes is
707 repealed and the following is substituted in lieu thereof (*Effective*
708 *January 1, 2004*):

709 (a) A person applying for a presidential ballot in person shall
710 present: (1) A current and valid photo identification, or (2) a copy of a
711 current utility bill, bank statement, government check, paycheck or
712 other government document that shows the name and address of the
713 voter. The application for a presidential ballot by mail shall be
714 accompanied by: (A) A copy of a current and valid photo
715 identification, or (B) a copy of a current utility bill, bank statement,
716 government check, paycheck or government document that shows the
717 name and address of the voter. Upon receipt of an application for a
718 presidential ballot under sections 9-158a to 9-158m, inclusive, the clerk,
719 if satisfied that the application is proper and that the applicant is
720 qualified to vote under said sections, shall forthwith give or mail to the
721 applicant, as the case may be, a ballot for presidential and vice-
722 presidential electors for use at the election and instructions and
723 envelopes for its return. At such time the clerks shall also mail a
724 duplicate of the application to the appropriate official of [(1)] (i) the
725 state or the town in this state in which the applicant last resided in the
726 case of an applicant who is a resident, or [(2)] (ii) the state or the town
727 in this state in which the applicant now resides in the case of an
728 applicant who is a former resident.

729 Sec. 22. Section 9-232f of the general statutes is repealed and the
730 following is substituted in lieu thereof (*Effective January 1, 2004*):

731 The town clerk shall preserve such ballots in the sealed envelopes
732 for a period of one hundred eighty days after the election. However, in
733 the case of a contested election, either party to such action may request
734 the court to order that the sealed envelopes containing challenged
735 ballots be delivered to the board of admissions by the town clerk
736 together with any memorandum or remarks which were attached to
737 the election returns or required to be so attached. If so ordered, the
738 board of admissions shall then convene and consider each challenged
739 ballot and rule as to which ballots shall be counted. The results thereof
740 shall be added to the vote totals. Federal offices shall not be counted on
741 a challenged ballot that was issued to a person who was also issued a
742 provisional ballot.

743 Sec. 23. Section 9-236b of the general statutes is repealed and the
744 following is substituted in lieu thereof (*Effective January 1, 2004*):

745 (a) The Secretary of the State shall provide each municipality with
746 sufficient quantities of a poster size copy, at least eighteen by twenty-
747 four inches, of a Voter's Bill of Rights, which shall be posted
748 conspicuously at each polling place. The text of the Voter's Bill of
749 Rights shall be:

750 "VOTER'S BILL OF RIGHTS

751 Every registered voter in this state has the right to:

752 (1) Inspect a sample ballot before voting;

753 (2) Receive instructions concerning how to operate voting
754 equipment, on sample voting equipment before voting;

755 (3) Cast a ballot if the voter is in line when the polls are closing;

756 (4) Ask for and receive assistance in voting, including assistance in
757 languages other than English where required by federal or state law;

758 (5) Vote free from coercion or intimidation by election officials or
759 any other person; and

760 (6) Cast a ballot using voting equipment that accurately counts all
761 votes."

762 (b) In any municipality or voting district where federal or state law
763 requires ballots to be made available in a language or languages other
764 than English, the Voter's Bill of Rights shall also be made available in
765 such language or languages.

766 (c) Sample ballots shall be made available at all polling places, and
767 any voter shall be permitted to inspect a sample ballot before voting.

768 (d) Any voter standing in line at a polling place at the time when
769 polls are scheduled to close shall be permitted to vote.

770 (e) For use at elections for federal office, the Secretary of the State
771 shall prescribe and the municipal clerk shall provide for all polling
772 places in the municipality: (1) Instructions on how to cast a provisional
773 ballot, (2) instructions for mail-in registrants and first-time voters who
774 register to vote by mail on or after January 1, 2003, (3) general
775 information concerning voting rights under federal and Connecticut
776 laws, including information on the right of an individual to cast a
777 provisional ballot and instructions on how to contact the appropriate
778 officials if these rights are alleged to have been violated, and (4)
779 general information on federal and state laws concerning prohibitions
780 on acts of fraud and misrepresentation.

781 Sec. 24. Section 9-255 of the general statutes is repealed and the
782 following is substituted in lieu thereof (*Effective January 1, 2004*):

783 The board of selectmen or the municipal clerk shall provide for all
784 polling places using voting machines at least three sample ballot labels
785 which shall be arranged in the form of a diagram showing the entire
786 front of the voting machine as it will appear after the official ballot
787 labels are arranged for voting on election day or that portion thereof
788 which will contain the offices, party designations, names of candidates,
789 write-in slots and questions to be voted upon. On each such sample
790 ballot label shall be printed (1) instructions as to the use of the voting
791 machine, which instructions shall be approved by the Secretary of the
792 State, and (2) information concerning the date of the election and the
793 hours during which polling places will be open. Such sample ballot
794 labels shall be so posted inside the polling place as to be visible to
795 those within the polling place during the whole day of election. At
796 least one of such sample ballot labels shall be so posted as to be visible
797 to an elector being instructed on the demonstrator or spare voting
798 machine under section 9-260.

799 Sec. 25. Subsection (a) of section 9-261 of the general statutes is
800 repealed and the following is substituted in lieu thereof (*Effective*
801 *January 1, 2004*):

802 (a) In each primary, election or referendum, when an elector has

803 entered the polling place, [he] the elector shall [(1)] announce [his] the
804 elector's street address, if any, and [his] the elector's name to the
805 checkers in a tone sufficiently loud and clear as to enable all the
806 election officials present to hear the same. [and (2) (A)] Each elector
807 who registered to vote by mail for the first time on or after January 1,
808 2003, and has a "mark" next to the elector's name on the official registry
809 list, as required by section 9 of this act, shall present to the checkers,
810 before the elector votes, either a current and valid photo identification
811 that shows the elector's name and address or a copy of a current utility
812 bill, bank statement, government check, paycheck or other government
813 document that shows the name and address of the elector. Each other
814 elector shall (1) present to the checkers [his] the elector's Social Security
815 card or any other preprinted form of identification which shows [his]
816 the elector's name and either [his] the elector's address, signature or
817 photograph, or [(B)] (2) sign a statement under penalty of false
818 statement, on a form prescribed by the Secretary of the State, that [he]
819 the elector is the elector whose name appears on the official checklist.
820 Each of the checkers shall check the name of such elector on the official
821 checklist.

822 Sec. 26. Section 9-323 of the general statutes is repealed and the
823 following is substituted in lieu thereof (*Effective January 1, 2004*):

824 Any elector or candidate who claims that he is aggrieved by any
825 ruling of any election official in connection with any election for
826 presidential electors and for a senator in Congress and for
827 representative in Congress or any of them, held in his town, or that
828 there was a mistake in the count of the votes cast at such election for
829 candidates for such electors, senator in Congress and representative in
830 Congress, or any of them, at any voting district in his town, or any
831 candidate for such an office who claims that he is aggrieved by a
832 violation of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-
833 364, 9-364a or 9-365 in the casting of absentee ballots at such election,
834 may bring his complaint to any judge of the Supreme Court, in which
835 he shall set out the claimed errors of such election official, the claimed
836 errors in the count or the claimed violations of said sections. In any

837 action brought pursuant to the provisions of this section, the
838 complainant shall send a copy of the complaint by first-class mail, or
839 deliver a copy of the complaint by hand, to the State Elections
840 Enforcement Commission. If such complaint is made prior to such
841 election, such judge shall proceed expeditiously to render judgment on
842 the complaint and shall cause notice of the hearing to be given to the
843 Secretary of the State and the State Elections Enforcement Commission.
844 If such complaint is made subsequent to the election, it shall be
845 brought within fourteen days of the election and such judge shall
846 forthwith order a hearing to be had upon such complaint, upon a day
847 not more than five nor less than three days from the making of such
848 order, and shall cause notice of not less than three nor more than five
849 days to be given to any candidate or candidates whose election may be
850 affected by the decision upon such hearing, to such election official, to
851 the Secretary of the State, to the State Elections Enforcement
852 Commission and to any other party or parties whom such judge deems
853 proper parties thereto, of the time and place for the hearing upon such
854 complaint. Such judge, with two other judges of the Supreme Court to
855 be designated by the Chief Court Administrator, shall, on the day fixed
856 for such hearing and without unnecessary delay, proceed to hear the
857 parties. If sufficient reason is shown, such judges may order any voting
858 machines to be unlocked or any ballot boxes to be opened and a
859 recount of the votes cast, including absentee ballots, to be made. Such
860 judges shall thereupon, in the case they, or any two of them, find any
861 error in the rulings of the election official, any mistake in the count of
862 such votes or any violation of said sections, certify the result of their
863 finding or decision, or the finding or decision of a majority of them, to
864 the Secretary of the State before the first Monday after the second
865 Wednesday in December. Such judges may order a new election,
866 which shall comply with Section 302 of the Help America Vote Act,
867 P.L. 107-252, as amended from time to time, or a change in the existing
868 election schedule. Such certificate of such judges, or a majority of them,
869 shall be final upon all questions relating to the rulings of such election
870 officials, to the correctness of such count and, for the purposes of this
871 section only, such claimed violations, and shall operate to correct the

872 returns of the moderators or presiding officers so as to conform to such
873 finding or decision.

874 Sec. 27. Subsection (j) of section 9-437 of the general statutes is
875 repealed and the following is substituted in lieu thereof (*Effective*
876 *January 1, 2004*):

877 (j) All ballot labels used at a primary shall be prepared by the clerk
878 of the municipality in which such primary is held and shall be printed
879 at the expense of the municipality. Each municipality shall provide for
880 all polling places:

881 (1) At least forty-eight hours before the primary, such clerk shall
882 have sample ballot labels for general distribution, which [sample
883 labels] shall be arranged in the form of a diagram showing the entire
884 front of the voting machine as it will appear after the official ballot
885 labels are arranged for voting on the day of the primary or that portion
886 thereof that will contain the offices or positions and names of
887 candidates to be voted upon. Each such sample ballot label shall also
888 include printed instructions approved by the Secretary of the State
889 concerning the use of the voting machine and information concerning
890 the date of the primary and the hours during which polling places will
891 be open. Such clerk shall have available for distribution such number
892 of sample ballot labels as he deems advisable, but in no event less than
893 three which shall be posted inside the polling place so as to be visible
894 to those within the polling place during the whole day of the primary.
895 At least one of such sample ballot labels shall be posted so as to be
896 visible to an elector being instructed on the demonstrator or spare
897 voting machine, pursuant to section 9-260. If paper ballots are used in
898 any primary, such sample paper ballots shall be overprinted with the
899 word "Sample";

900 (2) Instructions on how to cast a provisional ballot, as prescribed by
901 the Secretary of the State;

902 (3) Instructions for mail-in registrants and first-time voters who
903 register to vote by mail on or after January 1, 2003, as prescribed by the

904 Secretary of the State;

905 (4) General information concerning voting rights under federal and
 906 Connecticut laws, including information on the right of an individual
 907 to cast a provisional ballot and instructions on how to contact the
 908 appropriate officials if such rights are alleged to have been violated, as
 909 prescribed by the Secretary of the State; and

910 (5) General information on federal and state laws concerning
 911 prohibitions on acts of fraud and misrepresentation, as prescribed by
 912 the Secretary of the State.

This act shall take effect as follows:	
Section 1	<i>January 1, 2004</i>
Sec. 2	<i>January 1, 2004</i>
Sec. 3	<i>January 1, 2004</i>
Sec. 4	<i>January 1, 2004</i>
Sec. 5	<i>January 1, 2004</i>
Sec. 6	<i>January 1, 2004</i>
Sec. 7	<i>January 1, 2004</i>
Sec. 8	<i>January 1, 2004</i>
Sec. 9	<i>January 1, 2004</i>
Sec. 10	<i>January 1, 2004</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>January 1, 2004</i>
Sec. 13	<i>January 1, 2004</i>
Sec. 14	<i>January 1, 2004</i>
Sec. 15	<i>January 1, 2004</i>
Sec. 16	<i>January 1, 2004</i>
Sec. 17	<i>January 1, 2004</i>
Sec. 18	<i>January 1, 2004</i>
Sec. 19	<i>January 1, 2004</i>
Sec. 20	<i>January 1, 2004</i>
Sec. 21	<i>January 1, 2004</i>
Sec. 22	<i>January 1, 2004</i>
Sec. 23	<i>January 1, 2004</i>
Sec. 24	<i>January 1, 2004</i>
Sec. 25	<i>January 1, 2004</i>
Sec. 26	<i>January 1, 2004</i>

Sec. 27	<i>January 1, 2004</i>
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GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Elect. Enforcement Com.	GF - Cost	27,400	54,843
Secretary of the State	GF - Cost	Potential	Potential
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	5,150	22,050

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
All Municipalities	STATE MANDATE - Cost	Minimal	Minimal

Explanation

This bill establishes voter registration and voting procedures for elections for federal office in order to comply with the requirements of the federal Help America Vote Act of 2002. This bill will result in cost to the State Elections Enforcement Commission (SEEC), and a potential cost to the Secretary of the State (SOTS). Municipalities will also incur costs as a result of this bill.

The bill establishes a separate, nonlapsing Help America Vote Act account in the General Fund. Future deposits into this account will come from the "requirements payment" made to the state pursuant to the federal HAVA, state matching funds, other appropriations made by the state, and fund investment earnings. Funds deposited into the HAVA account are required to be used exclusively for HAVA activities and provisions.

Under the bill, SEEC has authority over complaints and

investigations related to the federal HAVA. The SEEC must handle complaints regarding provisional voting, the centralized voter registration system, registration by mail, and voting system standards. If a complainant requests a hearing, the SEEC must hold a hearing and issue a final decision within 90 days. Currently, the vast majority of complaints heard by SEEC are handled without a hearing. The anticipated increase in complaints and investigations, along with the requirement for complainant hearings under the federal HAVA, will result in a potentially significant workload increase for SEEC. It is anticipated SEEC will need a Staff Attorney I, with a salary of \$54,843 to handle the increased workload associated with this bill. The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The total fringe benefit reimbursement rate as a percentage of payroll is 40.21%, effective July 1, 2002. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 18.81% in FY 04. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

The bill makes numerous changes to election laws that may result in a potentially significant increase in the SOTS's workload, as the SOTS is responsible for the implementation and administration of the federal HAVA. The resources of the SOTS's Election Services Division has been impacted by layoffs and early retirements. It is uncertain at this time if the SOTS will require additional positions or resources to comply with the federal HAVA requirements.

The bill also requires the SOTS to implement the centralized voter registration (CVR) system. This does not have a fiscal impact on SOTS as the agency has already acquired the computers and printers municipalities will use as part of the CVR system. These computers and printers were purchased with previously allocated bond funds. There will be a cost to municipalities to join the CVR system.

As of April 7, 2003, nine municipalities have committed to join the

CVR system.¹ Eleven municipalities have not joined, nor made a commitment to join, the CVR system.²

The SOTS provides each municipality that joins the centralized voter registration system with a computer, associated software, a printer, and an ISDN connection. Municipalities will incur minimal costs for system maintenance and upkeep of the computer hardware.

The SOTS and Department of Motor Vehicles (DMV) are required to match information from the CVR system with the DMV database to verify the accuracy of information on voter registration forms. There is no fiscal impact to SOTS or DMV to comply with this provision.

This bill may result in a cost to municipalities. Municipalities may have to hire additional part-time or temporary personnel to handle the provisional ballot requirements. The extent of these costs depends on the population of the municipality and the anticipated number of people who will vote by provisional ballot. However, under the bill, provisional ballots only apply to elections and primaries for federal office or presidential election. The provisional ballots do not apply to state and municipal elections.

¹ The municipalities who have committed to join are East Hartford, Enfield, Madison, North Branford, Simsbury, Stratford, Warren, Waterbury, and Westport.

² Bristol, Danbury, East Haddam, Fairfield, Greenwich, Milford, New Britain, Norwalk, Shelton, Stamford, and Wallingford have not joined the centralized voter registration system.

OLR Bill Analysis

sHB 6592

**AN ACT CONCERNING IMPLEMENTATION AND
ADMINISTRATION OF THE "HELP AMERICA VOTE ACT"****SUMMARY:**

This bill establishes voter registration and voting procedures for elections for federal office to comply with the requirements of the federal "Help America Vote Act of 2002" (HAVA). It:

1. creates enhanced identification requirements for certain people applying by mail to register to vote and requires proof of identity when appearing to vote at the polls or voting by absentee ballot;
2. adds to the questions applicants must answer on the form when registering to vote;
3. establishes a provisional ballot with procedures for voting and counting it;
4. requires the secretary of the state to implement an official centralized, interactive, computerized statewide voter registration system by January 1, 2004;
5. requires town clerks to provide instructions and information specified in the bill to be prescribed by the secretary for polling places;
6. establishes the Help America Vote Act account in the General Fund;
7. makes the Office of the Secretary of the State the agency responsible for providing information on voter registration procedures and absentee ballot procedures to be used by absent uniformed armed forces voters and overseas voters in elections for federal office, and specifies requirements for military and overseas and presidential voters; and

8. gives the State Elections Enforcement Commission (SEEC) authority to enforce the bill.

Regular elections for federal office occur in even-numbered years, and the bill applies to elections for the offices of president and vice president and elections and primaries for U.S. senator and representative in Congress.

EFFECTIVE DATE: January 1, 2004, except the SEEC's enforcement authority provision is effective upon passage.

VOTER IDENTIFICATION REQUIREMENTS

Proof of Identity

HAVA allows voters who register by mail, beginning January 1, 2003, to submit supplemental identification exempting them from showing identification when they vote for the first time, which under HAVA and the bill will be November 2004. The bill conforms to this provision for anyone registering to vote by mail for the first time in Connecticut or in a town not on the Centralized Voter Registration System. (Members of the armed forces and other overseas voters need not provide identification when they register by mail.) The acceptable identification that an applicant may include with a mail-in voter registration form is (1) a copy of a current, valid photo ID; (2) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the person's name and address; (3) a valid Connecticut driver's license number; or (4) the last four digits of his Social Security number (SSN). If a person does not submit the identification when registering, he will be required to present either number (1) or (2) above when voting in person at the polls or submitting an absentee ballot.

An absentee voter must insert the copy of the acceptable ID in the outer envelope aside from the sealed inner envelope that contains the ballot. For those who register or have registered since January 1, 2003, registrars must mark the voter registry list next to the names of people who do not provide identification with a mail-in application so that poll workers will identify those who must show ID when they appear to vote. A person who fails to produce the identification may cast a provisional ballot in person or his absentee ballot will be treated as a provisional ballot for federal offices only (see Provisional Ballot section

below) (see COMMENT).

Though the bill permits submission of a photo ID or a document with the applicant's name and address, the exemption from presenting ID when voting for the first time extends only to those for whom registrars can match a driver's license number or partial SSN with an existing state record (e.g., from the Department of Motor Vehicles (DMV)).

Registrars can destroy the additional documentation after using it to verify identity.

Registration and Voting Records

The bill requires voter registration applications to include for the applicant either a current Connecticut driver's license number or the last four digits of his SSN. If the applicant has neither, the registrar must use an identification number automatically assigned by the Centralized Voter Registration (CVR) system.

The bill requires the secretary and the motor vehicles commissioner to enter into an agreement to match CVR system information with DMV data so that each agency can verify the accuracy of the information applicants provide on their voter registration forms.

The bill requires registrars to use the CVR system to keep a record of voters who voted in person or by absentee ballot at each federal election in the town.

Voter Registration Information

The bill requires a registrar to contact an applicant who does not indicate U.S. citizenship on the registration form and ask the citizenship question, before rejecting such an application because of the omission. It adds a question to the form on whether the applicant will be 18 years old by election day and a space for the applicant's driver's license number or the last four digits of his SSN, if he has no driver's license. The application must include notice that the applicant may not complete the form if he answers "No" to either one of the questions on citizenship and age.

PROVISIONAL BALLOTS

The bill establishes provisional ballots for use by people who registered by mail and do not submit identification and appear at a polling place or apply for an absentee ballot for the first time after registering without the supplemental ID. Their names appear with a mark on the voter registry list, so that officials know to ask for the acceptable ID. Provisional ballots are kept separate and counted only after registrars verify that these voters are eligible to vote. The ballots include only the candidates for federal offices.

Eligibility

If election day voter registration is enacted (see BACKGROUND-Related Bills), only a person whose election day application for admission has been rejected may apply for and get a provisional ballot. If not enacted, the bill authorizes provisional ballots for people who appear at the polling place claiming to be eligible to vote there though their names do not appear on the registry list. If they cannot be restored to the list under existing law because their address changed within the town or because the omission was due to clerical error, they can request and cast a provisional ballot.

A person who is the subject of a challenge (whose name appears on the registry list, but someone believes the person is not qualified and entitled to vote) and is not permitted to use a challenge ballot may apply for and cast a provisional ballot. A person who was challenged may execute a written affirmation to apply for a provisional ballot. He must affirm on a form the secretary prescribes that he is qualified to vote in the election or primary at that polling place and has not voted in person or by absentee ballot. (A person challenged under current law may vote by challenge ballot, which is the same as an absentee ballot. The town clerk retains challenge ballots, which are counted only in contested elections.) If a person uses both a challenge and a provisional ballot, the federal office votes are not counted on the challenge ballot.

Application

An applicant for a provisional ballot must apply before an election official and affirm in writing under penalty of false statement in absentee balloting (which is a class D felony, subject to a fine of up to \$5,000, one to five years' imprisonment, or both) that he is eligible to

vote in the election or primary at that polling place and has not voted and will not vote otherwise.

Provisional Ballot Packet

By 8 p.m. on the day before an election, the moderator for each voting district must get from the town clerk a provisional ballot packet that includes:

1. provisional ballots for federal office with serially-numbered envelopes;
2. a provisional ballot inventory form;
3. a provisional ballot depository envelope; and
4. other necessary forms the secretary prescribes.

The secretary must provide the ballots and envelopes; she may prescribe the same ballot used by overseas voters entitled to vote only for candidates for federal offices. Each moderator must receive enough ballots to equal at least 1% of the number of registered voters in the district or as many as the registrars and town clerk agree will be sufficient to protect voters' rights.

Casting and Counting

The moderator must provide an applicant with a provisional ballot and serially-numbered envelope and record it on the inventory form. The applicant marks the ballot and seals it in the envelope. The polling place official must provide the voter with documentation he can use to later verify whether the ballot was counted. The registrars must provide a free access system that verifies, only to the voter, whether the ballot was counted, and, if not, why.

As soon as the polls close, the moderator must seal the depository envelope with all the cast provisional ballots and deliver it to the registrars. The registrars must verify the information for each ballot, determine whether the applicant is eligible to vote, and note their decision on the outer envelope. If they determine the person is eligible, they count the ballot, using the procedures for counting absentee ballots. If they determine the person is ineligible or cannot

determine eligibility, they mark the envelope “Rejected,” along with the reasons for rejection, and sign it. Provisional ballots are counted applying procedures for counting absentee ballots as closely as possible.

The bill gives the registrars six days after the election or primary to verify and count all provisional ballots. They must complete a form that accounts for the provisional ballots, including the additional votes counted for each federal office candidate, and file it with the town clerk and seal a copy in the depository envelope filed with the clerk. The clerk must preserve the envelope with the counted absentee ballots for 180 days.

The head moderator must file a corrected return for the election for federal offices with the town clerk and the secretary.

Absentee Ballots

Voters who registered by mail and did not submit the acceptable ID must include it in the outer envelope with their voted absentee ballot. Section 18 of the bill requires absentee ballot counters to reject a ballot in an envelope that does not contain the required identification for a voter required to send it in. But the provision on identification requires such a ballot to be treated like a provisional ballot (see COMMENT).

COMPUTERIZED VOTER REGISTRATION SYSTEM

The bill requires the secretary to implement a computerized, statewide voter registration system, called the Centralized Voter Registration (CVR) System (see BACKGROUND-Related Bills). The secretary’s office already has established a CVR system but participation is not statewide. The bill gives the secretary authority to implement system enhancements, changes, or deletions to comply with federal or state law. It designates the system as the single system for storing, managing, and producing the official registry list of voters. To comply with HAVA, the bill gives “any election official in the state, including any local election official” electronic access to the information in the system. It requires a registrar of voters to electronically enter information about an elector on an expedited basis and gives registrars responsibility for list maintenance. Registrars may remove voters from the list in accordance with existing state and federal laws. The

secretary must coordinate the removal of ineligible voters with state agency death records and a monthly list of convicted felons confined in correctional institutions or community residences.

POLLING PLACE INFORMATION

The bill requires the secretary to prescribe and town clerks to provide the following information at polling places at an election or primary:

1. instructions on how to cast a provisional ballot;
2. instructions for mail-in registrants and first-time voters who vote by absentee ballot after January 1, 2003;
3. voting rights information under state and federal laws; and
4. information on state and federal bans on fraud and misrepresentation.

Sample ballots must include information on the voting date and hours and, at a primary, information on the use of the voting machines, which is current law for an election.

HELP AMERICA VOTE ACT ACCOUNT

The bill establishes a separate, nonlapsing Help America Vote Act account in the General Fund for depositing the so-called “requirements payments” available to states under HAVA, the state matching funds (5%), and any other state appropriations or deposits. Its investment earnings must be credited to the fund. The bill restricts its use to carrying out HAVA’s activities and provisions.

MILITARY AND OVERSEAS AND PRESIDENTIAL VOTERS

The bill designates the secretary’s office as the agency responsible for providing information on overseas absentee voting. It requires that the Federal Post Card Application be an application through two regular federal elections and prohibits rejection of an absentee ballot application from military personnel because it is submitted too early. It requires town clerks to notify an applicant if the clerk rejects a voter registration request or an absentee ballot application from a person in the military or overseas and give the reason for the rejection.

The bill extends to overseas voters the opportunity to use the 90-day blank ballot. Under current law, the ballot with just the offices listed is available only to the military and their families.

The bill establishes an identification requirement for anyone applying for a presidential ballot (The ballot is available to Connecticut residents who are not registered voters or former residents who have moved within 30 days before the election, and it allows them to vote for president and vice president only). Whether applying in person or by mail, an applicant must present a photo ID or a copy of the same documentation required for mail-in voter registration applicants.

STATE ELECTIONS ENFORCEMENT COMMISSION

The bill extends the SEEC's authority to level a civil penalty of up to \$2,000 to violations of its provisions on provisional ballots, the CVR system, the identification requirements for registering and voting, and the HAVA account. It also gives SEEC authority to receive and determine complaints and issue an order to enforce HAVA. It may receive complaints about the federal law's provisions establishing voting system standards, provisional voting and voting information requirements, the computerized statewide voter registry list, and requirements for voters who register by mail. Complaints must be in writing, notarized, and signed and sworn by the complainant. He can request a hearing, conducted in accordance with the Uniform Administrative Procedure Act. The commission must issue a final decision within 90 days unless the complainant agrees to an extension. If it fails to meet the 90-day deadline, it must resolve the complaint within another 60 days under an alternative dispute resolution procedure it establishes.

BACKGROUND

"Help America Vote Act"

On October 29, 2002, the federal "Help America Vote Act of 2002" (P.L. 107-252, 42 USC 15301 et seq.) was enacted to establish a program to provide funds to states to replace voting systems, create the Election Assistance Commission, and set minimum election administration standards for jurisdictions with responsibility for administering federal elections.

Related Bills

The Government Administration and Elections Committee has reported separate bills that (1) allow people to register to vote on the day of an election or primary (sHB 6370) and (2) require towns to participate in the secretary's statewide centralized voter registration system by September 1, 2003 (sHB 6515, File 236).

COMMENT***Counting Absentee Ballots***

Though new language in the bill permits an absentee ballot with no identification to be considered as a provisional ballot, the law on counting absentee ballots is amended to require that counters mark a ballot with no accompanying identification as "Rejected."

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0